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TAGS: [PREL](#) [ICTY](#) [PGOV](#) [PHUM](#) [SR](#) [YI](#) [NL](#)  
SUBJECT: NETHERLANDS/ICTY/SERBIA: DEL PONTE, GONL URGE  
CONSISTENT MESSAGE

REF: STATE 146343

Classified By: Political Counselor Andrew Schofer; reasons 1.4 (b) and (d).

11. (C) Summary: ICTY Chief Prosecutor Carla Del Ponte and Dutch MFA officials have expressed concern that the message from the U.S., as well as the messages being sent by various EU and NATO members, are not consistent. The Dutch are maintaining a hard line on ICTY compliance and are worried that the U.S. may be wavering. Del Ponte stressed the need for unity. End summary.

- Special Prosecutor urges unity, full compliance

12. (C) Embassy Legal Counselor delivered reftel message September 10 to Del Ponte. On September 14, del Ponte's senior political advisor, Jean-Daniel Ruch, replied on her behalf. Text follows:

"The Prosecutor ... obviously agrees very much that a concerted message from the international community must be given to the Serbs. In this connection, it is of the utmost importance that the EU and NATO continue to give consistent signals to Belgrade. Since the EU has made it clear that Mladic is the condition for the re-opening of the SAA talks, there is no choice but NATO continuing to say that Mladic is the condition for PFP.

"The Prosecutor is not so confident that the 'confluence of recent and anticipated events' may make Serbia more willing to deliver Mladic this fall. It would be useful if you could provide us with more details on this rather optimistic assessment. Kosovo is obviously a major uncertainty which may bear significantly on future developments in the cooperation provided by Serbia to the ICTY also. In this context, we have noted with some surprise the comments made by President Tadic this week, saying that he was told in Washington that the delivery of Mladic would have an impact on the outcome of the Kosovo issue - at least as far as the timing is concerned. Was this idea truly flagged when Tadic was in the USA?

"The Prosecutor is grateful that you are as well encouraging the EU and neighbouring governments to press Belgrade for concrete results as soon as possible. We are obviously sending the same signals. This was very much the conclusion drawn by the most important EU partners following the briefing I delivered to the EU Balkans experts on 6 September."

End text.

- GONL concerned U.S. stance is a retreat from full compliance

¶3. (C) Poloff and Deputy Legal Counselor delivered the demarche as well to Dutch MFA Balkans desk officers September 18. The desk officers said that they had heard from the British recently, and that the UK seemed at the time to be exploring the possibility of softening its position. The UK had subsequently determined that it would continue to insist on full compliance. The Dutch, like del Ponte's advisor, queried emboffs about whether our approach to PFP would weaken our demands for full compliance.

¶4. (C) EUR PDAS Volker met separately with Dutch MFA officials September 12. MFA Deputy Director General for Political Affairs Wim Geerts stressed that the GONL would "be among the hardliners" on ICTY cooperation and said that U.S. support of an action plan for ICTY compliance "looked somehow like a step back from unconditionality."  
ARNALL